

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Library District Act of 1991 is
5 amended by adding Section 15-82 as follows:

6 (75 ILCS 16/15-82 new)

7 Sec. 15-82. Disconnection of municipalities and townships;
8 advisory question; disconnection procedures.

9 (a) An advisory question of public policy concerning the
10 disconnection of a municipality or township from the public
11 library district may be placed on the ballot (i) upon the
12 adoption of an ordinance by the governing body of the
13 municipality or township or (ii) when 5% of the legal voters of
14 the public library district present a petition to the board of
15 trustees requesting the advisory question. The governing body
16 adopting an ordinance or the board of trustees receiving a
17 petition must certify the question to the proper election
18 authority, which, in accordance with the Election Code, must
19 submit the question to the electors at the next regularly
20 scheduled election in each public library district in which the
21 municipality or township is located.

22 The election authority must submit the question in
23 substantially the following form:

24 Should the (insert name of township or
25 municipality) be disconnected from (insert name of
26 library district)?

27 The votes must be recorded as "Yes" or "No".

28 (b) Regardless of the occurrence or outcome of any advisory
29 question under subsection (a), the governing body of a
30 municipality or township may adopt an ordinance to disconnect
31 the territory of the municipality or township from the public
32 library district. Any ordinance adopted under this subsection

1 shall not take effect until it is approved by the board of
2 trustees of each public library district in which any part of
3 the municipality or township is located.

4 (c) If the disconnecting entity is a city, then, no later
5 than 90 days after the adoption of the disconnection ordinance,
6 the governing body of the city must establish and maintain a
7 public library under Section 2-1 of the Illinois Local Library
8 Act.

9 If the disconnecting entity is an incorporated town, a
10 village, or a township, then, no later than 90 days after the
11 adoption of the disconnection ordinance, the governing body of
12 the incorporated town, village, or township must adopt an
13 ordinance for a referendum to establish a public library under
14 Section 2-2 of the Illinois Local Library Act.

15 (d) After an ordinance to establish and maintain a library
16 is adopted by a city under Section 2-1 of the Illinois Local
17 Library Act or after the approval by the electors in an
18 incorporated town, a village, or a township of a referendum to
19 establish and maintain a library under Section 2-2 of the
20 Illinois Local Library Act, the municipality or township shall
21 file with the circuit court in which a majority of the
22 disconnected territory lies an appropriate petition and a
23 certified copy of the disconnection ordinance. The petition
24 shall request entry of an order of disconnection and the
25 preparation of an appraisal setting forth the value of the
26 tangible property of the district, the liabilities of the
27 district, and the excess of the liabilities over tangible
28 assets or property. Notice shall be published by and within the
29 disconnecting territory.

30 The circuit court shall, after a hearing upon the matter,
31 enter its order revising the limits and boundaries of the
32 district and setting forth the liability, if any, yet to be
33 retired and paid for by the property owners of the disconnected
34 territory.

35 (e) When any territory has been disconnected from a
36 district under this Section and the court order providing for

1 the disconnection also sets forth a continuing liability to be
2 paid by the property owners of the disconnected territory, then
3 the county collector of each county affected shall debit upon
4 his or her books the taxes to be paid and thereafter levied by
5 the district and extended against taxable property within the
6 disconnected territory. The county clerk shall continue to
7 extend district library taxes upon the taxable property within
8 the disconnected territory, and the county collector shall
9 continue to collect district library taxes upon the taxable
10 property within the disconnected territory until the excess
11 liability has been paid and retired.

12 The residents and property owners of the disconnected
13 territory are entitled to full and free library service from
14 the district until the earlier of: (i) the final and full
15 payment of the liability; or (ii) the entry of the
16 disconnection order by the court. Upon the date of
17 disconnection, the residents and property owners of the
18 disconnected territory shall no longer be subject to any tax
19 levies by the district other than levies for the excess
20 liability. Upon full and final payment of the liability and
21 thereafter, no resident or property owner of the disconnected
22 territory shall have any right, title, and interest in and to
23 the assets and tangible property of the district affected by
24 the disconnection.

25 (f) The board must record a certified copy of the
26 disconnection order with the recorder of deeds and with the
27 county clerk and county collector of each county affected.

28 Section 10. The Illinois Local Library Act is amended by
29 changing Section 2-2 as follows:

30 (75 ILCS 5/2-2) (from Ch. 81, par. 2-2)

31 Sec. 2-2. To provide local public institutions of general
32 education for citizens of Illinois, the citizens residing in a
33 village, incorporated town or township without local library
34 service may establish and maintain a public library for the use

1 and benefit of the residents of the respective village,
2 incorporated town or township as herein provided.

3 Upon the adoption of an ordinance by the governing body of
4 an incorporated town, village, or township or when ~~When~~ 100
5 legal voters of any incorporated town, village or township
6 present a petition to the clerk thereof asking for the
7 establishment and maintenance of a public library in such
8 incorporated town, village or township, the clerk shall certify
9 the question of whether to establish and maintain a public
10 library to the proper election authorities who shall submit the
11 question at a regular election in accordance with the general
12 election law.

13 The petition shall specify the maximum library tax rate, if
14 the rate is to be in excess of .15%. In no case shall the rate
15 specified in the petition be in excess of .60% of the value as
16 equalized and assessed by the Department of Revenue. The
17 proposition shall be in substantially the following form:

18 -----

19 Shall a public library be established YES
20 and maintained in (name of incorporated -----
21 town, village or township)? NO

22 -----

23 If the petition specified a maximum tax rate in excess of
24 the statutory maximum tax rate of .15%, the proposition shall
25 be in substantially the following form:

26 -----

27 Shall a public library be
28 established and maintained in (name of
29 incorporated town, village or township), YES
30 with a maximum annual public library tax -----
31 rate at. % of the value of all taxable NO
32 property as equalized and assessed by the
33 Department of Revenue?

34 -----

35 If the majority of all votes cast in the incorporated town,
36 village or township on the proposition are in favor of a public

1 library, an annual tax may be levied for the establishment and
2 maintenance of such library, subject to the limitations of
3 Article 3.

4 (Source: P.A. 85-751.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.